RULES

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

EFFECTIVE DATE JUNE 1, 1997

AMENDED OCTOBER, 1998

AMENDED NOVEMBER, 1998

AMENDED JULY, 1999

AMENDED JUNE, 2000

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

District Judges

Honorable Joe Billy McDade
Chief United States District Judge
Peoria, Illinois

Robert D. Morgan
Senior United States District Judge
Peoria, Illinois

Honorable Michael M. Mihm
United States District Judge
Peoria, Illinois

Harold A. Baker
Senior United States District Judge
Urbana, Illinois

Michael P. McCuskey
United States District Judge
Urbana, Illinois

Honorable Richard Mills
Senior United States District Judge
Springfield, Illinois

Jeanne E. Scott
United States District Judge
Springfield, Illinois

Magistrate Judges

Honorable Charles H. Evans
United States Magistrate Judge
Springfield, Illinois

Honorable Byron G. Cudmore
United States Magistrate Judge
Springfield, Illinois

Honorable David G. Bernthal
United States Magistrate Judge
Urbana, Illinois

Honorable John A. Gorman
United States Magistrate Judge
Peoria, Illinois

Bankruptcy Judges

Honorable Gerald D. Fines
Chief United States Bankruptcy Judge
Danville, Illinois

Honorable Larry Lessen
United States Bankruptcy Judge
Springfield, Illinois

Honorable William V. Altenberger
United States Bankruptcy Judge
Peoria, Illinois

Honorable Basil H. Coutrakon
Senior United States Bankruptcy Judge
Springfield, Illinois

Court Officials

Mr. John M. Waters
United States District Court Clerk
Springfield, Illinois

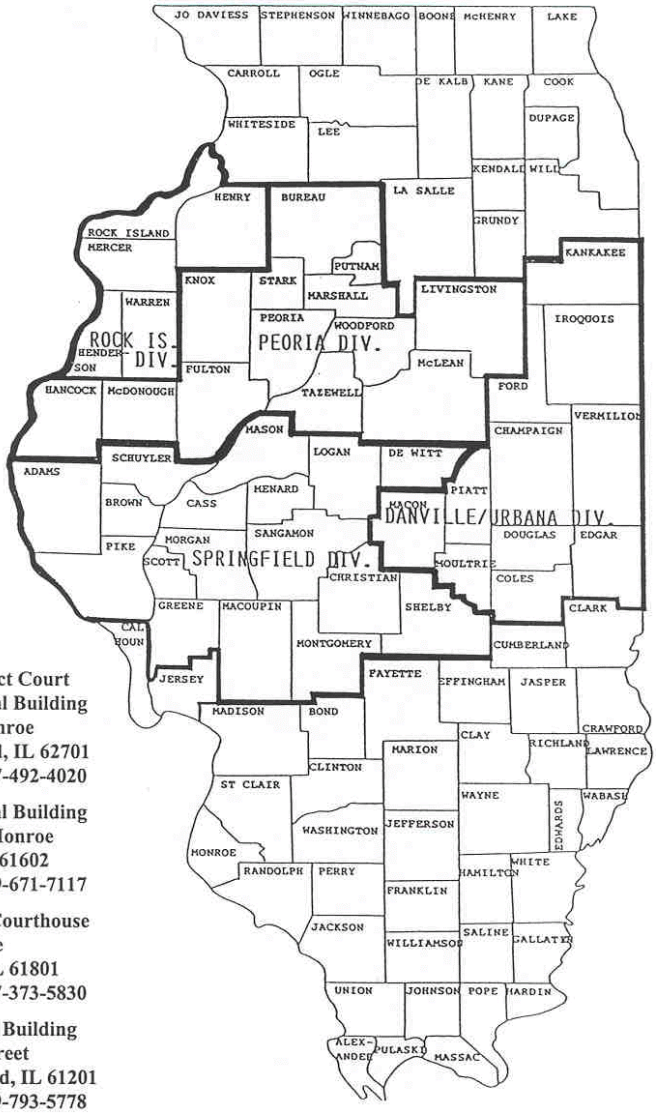
Mr. Hardin W. Hawes
United States Bankruptcy Court Clerk
Springfield, Illinois

Mr. Robert Moore
United States Marshal
Springfield, Illinois

Mr. John P. Meyer
Chief United States Probation Officer
Danville, Illinois

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS



Northern District of Illinois

Central District of Illinois

Southern District of Illinois

Clerk
U.S. District Court
151 Federal Building
600 E. Monroe
Springfield, IL 62701
Phone: 217-492-4020

305 Federal Building
100 N.E. Monroe
Peoria, IL 61602
Phone: 309-671-7117

218 U.S. Courthouse
201 S. Vine
Urbana, IL 61801
Phone: 217-373-5830

40 Federal Building
211 19th Street
Rock Island, IL 61201
Phone: 309-793-5778

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RULE 1.1 SCOPE OF THE RULES

(A) These rules shall be known as the Local Rules of United States District Court for the Central District of Illinois. They may be cited as "CDIL-LR __."

(B) These rules became effective on June 1, 1997.

(C) These rules shall apply in all proceedings in all of the courts in this district.

(D) These rules supersede all previous rules and orders promulgated by this court or any judge of this court, and shall apply to all cases pending at the time these rules become effective regardless of when the case was filed.

RULE 4.1 WAIVER OF SERVICE

When the Plaintiff elects to notify defendant(s) of the commencement of an action and requests that the defendant(s) waive service of a summons, proof of the written notice of lawsuit and request for waiver of service of summons, directed to the defendant(s), shall be filed with the Clerk of this Court within 7 days of service of the notice.

RULE 5.1 FORMAT OF FILINGS

The Court may strike any paper which does not conform with the following format:

In all cases except prisoner and other pro se cases and social security appeals,

(A) All documents filed with the Court must be double-spaced and must be printed on white paper 8 ½ by 11 inches in size.

(B) All documents shall have one inch margins on all sides and each page shall be numbered.

(C) Either a proportionally spaced or a monospaced typeface may be used. A proportionally spaced face must be 12-point or larger, in both body text and footnotes. A monospaced face may not contain more than 10 ½ characters per inch. All documents must be printed in a plain, roman style. Italics may be used for emphasis.

RULE 6.1 EXTENSIONS OF TIME

Any party seeking an extension of time for any reason must file a motion for such extension before the original deadline. Motions filed out of time will be denied, unless the presiding judge determines that such denial would create a substantial injustice. All such motions must state the amount of additional time requested, and must state whether opposing counsel has objection to the motion.

RULE 7.1 MOTIONS GENERALLY

(A) Disposition of Motions.

Any motion may be (1) scheduled for oral argument, either at a specified time or on a Motion Day as suggested in F.R.Civ.P. 78; (2) scheduled for determination by telephone conference call; (3) referred to a United States magistrate judge for determination or recommendation; or (4) determined upon the pleadings and the motion papers without benefit of oral argument. Any party desiring oral argument on a motion shall so specify in the motion or opposition thereto and state the reason why oral argument is desired.

(B) Memorandum of Law: Time for Response.

(1) Every motion raising a question of law shall be accompanied by a memorandum of law including a brief statement of the specific points or propositions of law and supporting authorities upon which the moving party relies, and identifying the rule under which the motion is filed. Any party opposing the motion shall file a response to the motion, including a brief statement of the specific points or propositions of law and supporting authorities upon which the responding party relies; with the exception of motions for summary judgment under Rule 7.1(D)(2), the response shall be filed within fourteen (14) days after service of the motion and memorandum unless the time is extended by the presiding judge for good cause shown. If no response memorandum is filed within the time limit, the presiding judge will presume there is no opposition and may rule on the motion without further notice to the parties. No reply to the response is permitted unless the response is to a motion for summary judgment, in which case a reply may be filed within ten (10) days after service of the response. All motions for extension of time must be filed within the original time allowed.

(2) Memoranda in support of motions and in response to motions, with the exception of motions for summary judgment under Rule 7.1(D)(4), shall be double-spaced and shall not exceed 15 pages in length, unless they comply with the following type volume limitation. Memoranda that exceed fifteen pages in length will comply with the type volume limitation if (1) they do not contain more than 7000 words or 45,000 characters, or (2) use monospaced type and do not contain more than 650 lines of text. All headings, footnotes, and quotations count toward the word, character, and line limitations. A memorandum submitted under the type volume limitation must include a certificate by counsel, or by an unrepresented party, that the memorandum complies with the type volume limitation. The certificate of compliance must state the number of words, characters or lines of type in the memorandum. The person who prepares the certificate of compliance may rely on the word or character count of the word processing system used to prepare the document.

(C) Documents.

If documentary evidence is to be offered in support of or against a motion, and that documentary evidence is susceptible of convenient copying, copies thereof shall be served and filed by the moving party with the motion, and by the adverse party with the statement in opposition to the motion. If the documentary evidence is not susceptible of convenient copying, the offering party instead shall furnish a concise summary or statement of the contents of the documentary evidence and shall make the original available to the adverse party for examination prior to the hearing on the motion.

(D) Summary Judgment

All motions for summary judgment, responses and replies shall comply with the requirements of this rule. Any filings not in compliance shall be stricken by the court. The consequences for failing to comply are discussed thoroughly in Waldridge v. American Hoechst Corp., 24 F.3d 918 (7th Cir. 1994).

Note: Local Rule 7.1(D) does not apply to *pro se* litigants, social security appeals, or any other case upon the showing of good cause.

(1) Motion for Summary Judgment:

Any party filing a motion for summary judgment pursuant to FRCP 56 shall include in that motion the following sections with appropriate headings:

(a) Introduction:

State succinctly the basis for the motion and the exact relief sought by the motion.

(b) Material facts claimed to be undisputed:

List and number each undisputed material fact which is the basis for the motion for summary judgment. **A WORD OF CAUTION:** Material facts are only those facts which bear directly on the legal issue raised by the motion. Any documents, affidavits or excerpts of transcripts claimed to establish each fact must be attached as exhibits and appropriately referenced by page.

(c) Applicable Law:

Summarize the relevant law which movant claims supports the motion.

(d) Argument:

State without repetition how application of the law to the facts entitles movant to the relief sought.

(2) Response to Motion:

Within 21 days of service of a motion for summary judgment, unless the time is extended by the court, any party opposing the motion shall file a response. (Requests for extensions of time will not be looked upon with favor.) A failure to respond shall be deemed an admission of the motion.

The response shall include the following sections with appropriate headings:

(b) Introduction:

State succinctly the basis for opposition to the motion.

(c) Response to allegedly undisputed material facts:

In separate subsections as set forth below:

(1) Undisputed material facts:

List by number each fact from Section B of the motion for summary judgment which is conceded to be undisputed and material.

(2) Material facts claimed to be disputed:

List by number each fact from Section B of the motion for summary judgment which is claimed to be disputed. Any document, affidavit or excerpts of transcript claimed to establish an issue of fact must be referenced by page and attached as an exhibit.

(3) Facts claimed to be immaterial to the motion:

List by number each fact from Section B of the motion for summary judgment which is claimed to be immaterial and the reason for such claim.

(4) Additional material facts claimed to defeat the Motion for Summary Judgment:

List and number each additional material fact (disputed or undisputed) raised in opposition to the motion. Any documents, affidavits or excerpts of transcripts claimed to establish each fact must be attached as exhibits and appropriately referenced by page.

(c) Applicable Law:

If the opponent to the motion disagrees with the movant's summary of the applicable law, summarize any additional relevant law in opposition to the motion for summary judgment.

(d) Argument:

(1) Respond directly to the argument in the motion for summary judgment.

(2) Raise any additional argument in opposition to the pending motion.

(3) Movant's reply to statement of additional undisputed material facts:

Within 10 days of the service of any response, unless the time is extended by the court, the movant shall file a reply. THE REPLY SHALL BE LIMITED TO MATTERS RAISED IN THE RESPONSE AND SHALL NOT RESTATE MATTERS OR ARGUMENTS ALREADY RAISED IN THE MOTION.

(4) Miscellaneous:

There shall be no other filings in support of or in opposition to the motion for summary judgment without leave of court. The Court may take the motion for summary judgment under advisement without oral argument or may schedule argument - - with appropriate notice to the parties. A party shall not schedule or attempt to schedule oral argument or hearing on a motion for summary judgment - - but may file a request for a hearing at the time of filing either a motion or response pursuant to this Rule.

Page and type volume limitations, as set forth in Rule 7.1(D)(2), apply to memoranda in support of and in response to summary judgment motions, exclusive of the required statement of facts.

(E) Amended Pleadings.

Whenever amended pleadings are filed, any motions attacking the original pleadings will be deemed moot unless specifically revived by the moving party within fourteen (14) days after the amended pleadings are served.

(F) Consolidation and Transfer of Related Cases

When a party or counsel for a party knows that a newly-filed case is related to another case already pending in this district, the parties shall be responsible for bringing the matter to the court's attention at the first opportunity but not later than the Rule 16 discovery conference or the first motion hearing, whichever occurs earliest. Consolidation of the cases will be considered at that time.

Later-filed related cases may be transferred to the judge assigned to the first-filed suit, regardless of whether the cases are consolidated.

RULE 8.1 SOCIAL SECURITY CASES: REVIEW UNDER 42 U.S.C. § 405(g)

(A) Complaints: Contents.

Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act (42 U.S.C. §405(g) shall provide, on a separate paper attached to the complaint served on the Commissioner of Social Security, the social security number of the worker on whose wage record the application for benefits was filed. The person shall also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Commissioner of Social Security. Failure to provide a social security number to the Commissioner of Social Security will not be grounds for dismissal of the complaint.

(B) Complaints: Form of Allegation.

In keeping with F.R.Civ.P. 84 and the Appendix of Forms to the Federal Rules of Civil Procedure, the following form of allegations in a complaint is considered sufficient for § 405(g) review cases in this court:

(1) The plaintiff is a resident of _____
(City and State)

(2) The plaintiff complains of a decision which adversely affects (him) (her). The decision has become the final decision of the Commissioner for purposes of judicial review and bears the following caption:

In the case of Claim for

_____ _____
Claimant

_____
Wage Earner

(3) The plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction for judicial review pursuant to 42 U.S.C. § 405(g).

WHEREFORE, plaintiff seeks judicial review by this court and the entry of judgment for such relief as may be proper, including costs.

(C) Responsive Pleading, Transcript of Proceedings.

The respondent shall have 120 days from the date of service of summons within which to file a responsive pleading and transcript of administrative proceedings.

(D) Motions; Hearing.

Within thirty (30) days after the filing of the responsive pleading and transcript, the plaintiff shall file a Motion for Summary Judgment and a Memorandum of Law which shall state with particularity which findings of the Commissioner are contrary to law. The plaintiff shall identify the statute, regulation or case law under which the Commissioner allegedly erred. The plaintiff shall cite to the record by page number the factual evidence which supports the plaintiff's position. Arguing generally, "the decision of the Commissioner is not supported by substantial evidence" is not sufficient to meet this rule. Within forty-five (45) days thereafter, the defendant shall file a Cross-Motion and Memorandum of Law which shall specifically respond to the plaintiff's assertions and arguments. The defendant shall cite to the record by page number the factual evidence which supports the decision of the Commissioner. The case may be set for hearing at the discretion of the presiding judge.

RULE 8.2 RULE ON POST-CONVICTION PROCEEDINGS IN CAPITAL PUNISHMENT CASES PURSUANT TO 28 USC SECTIONS 2254 AND 2255

(A) Operation, Scope, and Priority.

(1) This rule applies to post-conviction proceedings in all cases involving persons under sentence of capital punishment.

(2) The judge to whom a case is assigned will handle all matters pertaining to the case, including certificates of appealability, stays of execution, consideration of the merits, second or successive petitions when authorized by the court of appeals under 28 U.S.C. §§ 2244(b)(3), 2255¶8, remands from the court of appeals or Supreme Court of the United States, and associated procedural matters. This rule does not limit a district judge's discretion to designate a magistrate judge, under 28 U.S.C. §636, to perform appropriate tasks. An emergency judge may act when the designated district judge is unavailable.

(3) The judge must give priority to cases within the scope of this rule, using the time limitations in 28 U.S.C. §2266(b) as guidelines when that section is not directly applicable.

(4) The judge may make changes in the procedures established by this rule when justice so requires.

(B) Notices and Required Documents.

(1) A petition or motion within the scope of this rule must:

(a) Include all possible grounds for relief:

(b) Inform the court of the execution date, if one has been set; and

(c) In an action under §28 U.S.C. §2254, inform the court how each issue raised was presented to the state tribunal and, if it was not presented, why the contention nonetheless should be treated as (i) exhausted, and (ii) not forfeited.

(2) As soon as a case is assigned to a judge, the district clerk must notify by telephone the judge, counsel for the parties, and the representatives designated under the next subsection. The district clerk also must inform counsel of the appropriate procedures and telephone numbers for emergency after-hours motions.

(3) The Attorneys General of states with persons under sentence of death, and the United States Attorneys of districts with persons under sentence of death, must designate representatives to receive notices in capital cases in addition to, or in lieu of, the

government's assigned counsel, and must keep the court informed about the office and home telephone numbers of the designated representatives.

(4) The district clerk must notify the circuit clerk of the filing of a case within the scope of this rule, of any substantial development in the case, and of the filing of a notice of appeal. In all cases within the scope of this rule, the district court clerk must immediately transmit the record to the court of appeals following the filing of a notice of appeal. A supplemental record may be sent later if items are not currently available.

(5) Promptly after the filing of a case within the scope of this rule, the district clerk must furnish to petitioner or movant a copy of this rule, together with copies of Federal Rule of Appellate Procedure 22 and Seventh Circuit Rules 22 and 22.2.

(6) In all cases within the scope of this rule, the petitioner or movant must file, within 10 days after filing the petition or motion, legible copies of the documents listed below. If a required document is not filed, the petitioner or movant must explain the omission.

(a) Copies of all state or federal court opinions, memorandum decisions, orders, transcripts of oral statements of reasons, and judgments involving any issue presented by the petition or motion, whether these decisions or opinions were rendered by trial or appellate courts, on direct or collateral review. If a decision or opinion has been published, a citation may be supplied in lieu of a copy.

(b) Copies of prior petitions or motions filed in state or federal court challenging the same conviction or sentence.

(c) If a prior petition has been filed in federal court, either (i) a copy of the court of appeals' order under 28 U.S.C. §2244(b)(3) or §2255 ¶8 permitting a second or successive collateral attack, or (ii) an explanation why prior approval of the court of appeals is not required.

(d) Any other documents that the judge requests.

(C) Preliminary Consideration.

(1) The district judge will promptly examine a petition or motion within the scope of this rule and, if appropriate, order the respondent to file an answer or other pleading or take such other action as the judge deems appropriate.

(2) If the judge determines that the petition or motion is a second or successive collateral attack for which prior approval of the court of appeals was required but not obtained, the judge will immediately dismiss the case for want of jurisdiction.

(3) If the court of appeals granted leave to file a second or successive collateral attack, the district judge must promptly determine in writing whether the criteria of 28 U.S.C. §2244(b)(4) have been satisfied.

(D) Appointment of Counsel.

Pursuant to 18 U.S.C. §2255 ¶7, counsel will be appointed for any person under a sentence of death who is financially unable to obtain representation, requests that counsel be appointed, and does not already have counsel appointed by a state under 28 U.S.C. §2261.

(E) Stay of Execution.

(1) A stay of execution is granted automatically in some cases, and forbidden in others, by 28 U.S.C. §2262. All requests with respect to stays of execution over which the court possesses discretion, or in which any party contends that §2262 has not been followed, must be made by motion under this rule.

(2) Parties must endeavor to file motions with the court in writing and during normal business hours. Parties having emergency motions during nonbusiness hours must proceed as instructed under part (b) (2).

(3) A motion must be accompanied by legible copies of the documents required by part (b) (6), unless these documents have already been filed with the court or the movant supplies a reason for their omission. If the reason is lack of time to obtain or file the documents, then the movant must furnish them as soon as possible thereafter.

(4) If the attorney for the government has no objection to the motion for stay, the court must enter an order staying the execution.

(5) If the district judge concludes that an initial petition or motion is not frivolous, a stay of execution must be granted.

(6) An order granting or denying a stay of execution must by accompanied by a statement of the reasons for the decision.

(7) If the district court denies relief on the merits and an appeal is taken, then:

(a) if the judge denies a certificate of appealability, any previously issued stay must be vacated, and no new stay of execution may be entered; but

(b) if the judge issues a certificate of appealability, a stay of execution pending appeal must be granted.

(F) Clerk's List of Cases.

The clerk will maintain a list of cases within the scope of this rule.

RULE 11.1 TELEPHONE NUMBER AND NAME ON PLEADINGS

In addition to the signature and address of the individual attorney, or of a party not represented by attorney, required by F.R.Civ.P. 11, every pleading shall show a telephone number where such attorney or party may be reached by telephone, and the typed name of the individual attorney or of a party not represented by an attorney who signed the pleading.

RULE 11.2 DESIGNATION OF LEAD COUNSEL ON INITIAL PLEADING

When a party's initial pleading is filed, counsel shall designate as lead counsel the attorney who will be responsible for receipt of telephone conference calls. Only one may be designated.

RULE 11.3 CERTIFICATE OF INTEREST

To enable the presiding judge to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party or an amicus curiae must file a Certificate of Interest stating the following information:

(1) The full name of every party or amicus the attorney represents in the case;

(2) If such party or amicus is a corporation:

(a) its parent corporation, if any; and

(b) a list of corporate stockholders which are publicly held companies owning 10 percent or more of the stock of the party or amicus if it is a publicly held company.

(3) The name of all law firms whose partners or associates appear for a party or are expected to appear for the party in the case.

The certificate shall be served and filed with the complaint or upon the first appearance of counsel in the case. The certificate shall be in the following form:

[CAPTION]

The undersigned, counsel of record for [JOHN DOE, PLAINTIFF] furnishes the following in compliance with Rule 11.3 of this court.

[LISTED BY NUMBER CATEGORY]

DATE ATTORNEY SIGNATURE

This rule shall not apply to pro se litigants.

RULE 12.1 STATE OF ILLINOIS - TIME TO ANSWER

In all civil actions in which a claim is asserted against an official, employee, or agency of the State of Illinois, the defendant shall file an answer or otherwise move or plead within sixty (60) days after service of the pleading in which the claim is asserted.

RULE 16.1 PRETRIAL PROCEDURES

(A) Special Pretrial Conference.

A special pretrial conference may be held at any time by the presiding judge on notice issued to the parties whenever it appears that such may aid in disposition or preparation for trial. The special pretrial conference shall be by telephone conference unless otherwise directed by the presiding judge.

(B) Settlement Conference.

The presiding judge may order the parties to submit to settlement conferences at any time if it appears that a case may be resolved by settlement. The settlement conference will be by personal appearance unless otherwise directed by the presiding judge. In addition to the attorney responsible for the actual trial of the case, someone with final settlement authority shall be required to attend the settlement conference, either in person or by telephone. The settlement conference in a matter to be tried to the court shall be conducted by a judge who will not preside at the trial of the case.

(C) Cases Reported Settled

Whenever a party reports to the court that a civil action is settled, the presiding judge shall enter an order dismissing the case without prejudice as settled, with leave to reopen within 35 days if the settlement is not finalized. The time to reopen may be extended by order of the presiding judge upon a showing of good cause.

(D) Cases With Intervening Bankruptcy

(1) Whenever the presiding judge is advised that a bankruptcy under U.S.C. Title 11, or other similar court-ordered reorganization or liquidation which stays ongoing debt collection proceedings, affects any party to any case filed in the district court of this district, the presiding judge shall enter an order directing the parties to file with the clerk of this court a copy of the stay order. Until such order is filed, the presiding judge will keep the case on its active docket.

(2) After the stay order is filed, the presiding judge will enter an order directing the parties to show cause why the district court case should not be dismissed because of the pending bankruptcy, reorganization, or liquidation proceeding. The order to show cause will be returnable to a district judge at a date certain no less than 180 days from the date the stay order was filed with the clerk of this court. The time may be extended for good cause shown.

(3) It is the responsibility of the parties to the district court case to take whatever action is necessary to protect their interests in the bankruptcy, reorganization or liquidation proceedings. It is the further responsibility of the parties to lift the stay order or otherwise obtain relief from the bankruptcy, reorganization or liquidation proceeding and file with the district court a copy of the order allowing the district court case to proceed in order to prosecute the district court case. If such action is not taken the district court case will be dismissed.

(E) Final Pretrial Conference.

(1) A final pretrial conference will be scheduled by the presiding judge as soon as feasible after the date set for completion of discovery. Uncompleted discovery shall not delay the final pretrial conference.

(2) Counsel for the parties or the parties, if not represented by counsel, shall confer prior to the date set for final pretrial conference. They shall explore the prospects of settlement and be prepared to report to the presiding judge at the final pretrial conference whether settlement is possible.

(3) The final pretrial conference shall be by personal appearance unless otherwise directed by the presiding judge. Counsel who will actually try the case or parties not represented by counsel shall appear at the final pretrial conference. Counsel and the parties shall be authorized and prepared to enter such stipulations and agreements as may be appropriate.

(4) Prior to the date set for final pretrial conference, the parties shall confer and shall prepare a proposed final pretrial order for presentation to the court at the conference unless otherwise ordered by the court. The form and content of the order are prescribed below and in Appendix 1.

(5) At the final pretrial conference, the presiding judge and counsel will consider the following:

(a) Simplification of the issues for trial;

(b) Any problems of evidence;

(c) Possible limitation of the number of expert witnesses;

(d) The desirability and timing of trial briefs;

(e) The prospects of settlement;

(f) Such other matters that may aid in the fair and expeditious trial and disposition of the action; and

(g) The possibility of trying the case on short notice. If the parties agree, the case will be put on a short notice calendar and may be called for trial on less than one-week notice.

(6) In cases to be tried to a jury, the parties shall submit an agreed set of jury instructions. Instructions upon which the parties are unable to agree shall be submitted separately by the parties, unless excused by the presiding judge. Each instruction shall be appropriately numbered and on a separate sheet of 8 ½ by 11 size paper; shall cover no more than one subject; shall identify the source and authority upon which it is based; and shall have the name of the party who submitted it noted at the bottom of the page.

(7) In bench trials, the parties shall submit an agreed set of findings of fact and conclusions of law. Findings and conclusions upon which the parties are unable to agree shall be submitted separately by the parties, unless excused by the presiding judge.

(8) Unless otherwise directed by the presiding judge, the parties must submit any trial briefs and motions in limine on or before fourteen (14) days prior to the scheduled start of trial. Untimely motions will not be considered.

(F) Final Pretrial Order

Counsel for the plaintiff shall prepare the order unless otherwise ordered by the presiding judge, and shall submit it to opposing counsel at least seven (7) days prior to the date set for final pretrial conference. The pretrial order shall contain the following:

(1) A brief statement of the nature of the case including facts showing the basis for jurisdiction even if jurisdiction is not contested;

(2) A signed stipulation of uncontested material facts;

(3) A joint statement of uncontested issues of law;

(4) A joint statement of all contested material facts and issues of law;

(5) Stipulations regarding the use of depositions and the presentation of expert testimony;

(6) A list of all witnesses each party intends to call at trial. Failure to include a witness in the list may result in the witness being barred from offering testimony at trial;

(7) A list of exhibits each party intends to offer or use at trial. The court will assume that authentication proof for any listed exhibit is waived unless a specific objection to lack of authenticity is raised in the pretrial order. All other objections to exhibits must be specifically noted. Exhibits must be identified by number only and conform to the listing contained in the pretrial order;

(8) A list of all demonstrative aids intended for use in the trial. All foundation questions concerning those aids will be considered waived by the court unless specific objection is stated in the pretrial order.

(9) At the close of the pretrial conference, the parties and the presiding judge shall sign the pretrial order. If changes or amendments to the order are required, the parties shall complete the changes before they leave the courthouse, or the conference may be recessed to be continued in person within 10 days. The signed pretrial order takes the place of all prior pleadings. Any issue not contained in the final pretrial order will not be tried

(10) A sample form of pretrial order is contained in Local Rules Appendix 1. The parties are admonished to conform their pretrial order to the sample format.

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(G) Sanctions.

Failure of counsel or parties, if not represented by counsel, to appear at any scheduled pretrial conference, including telephone conferences, or otherwise to comply with the provisions of this rule, may result in dismissal, default, awarding of attorney's fees and costs, and such other sanctions, as may be appropriate.

RULE 16.2 SCHEDULING CONFERENCE AND ORDER

(A) Cases Covered.

Within ninety (90) days after the appearance of a defendant, all civil cases shall have a conference pursuant to Federal Rule of Civil Procedure 16 to establish a scheduling order to govern case management except:

(1) Claims for relief within the admiralty and maritime jurisdiction as set forth in F.R.Civ.P. 9(h) and the Supplemental Rules for Certain Admiralty and Maritime Claims;

(2) Social Security cases filed under 42 U.S.C. § 405(g);

(3) Applications for writ of habeas corpus under 28 U.S.C. § 2254;

(4) Applications for review of sentence under 28 U.S.C. § 2255;

(5) Petitions brought by the United States to enforce a summons of the Internal Revenue Service;

(6) Appeals from rulings of a bankruptcy judge;

(7) Appeals from judgments of a United States magistrate judge;

(8) Naturalization proceedings filed as civil cases or proceedings to cancel or revoke citizenship;

(9) Requests for temporary restraining orders;

(10) Proceedings in bankruptcy;

(11) Proceedings to compel the giving of testimony or production of documents under a subpoena or summons issued by an officer, agency, or instrumentality of the United States not authorized to compel compliance;

(12) Proceedings to compel the giving of testimony or production of documents in this district in connection with discovery, or for perpetuation of testimony, for use in a matter pending or contemplated in a district court of another district;

(13) Proceedings for the temporary enforcement of orders of the National Labor Relations Board;

(14) Actions to enforce out-of-state judgments;

(15) Cases in which no service upon defendant(s) has been effected within 120 days of filing of the complaint;

(16) Other cases in which the court's review of the file indicates that the burden of a scheduling conference would exceed the administrative efficiency to be gained.

(17) The presiding judge may order a scheduling conference in any case.

(B) Order.

At the conclusion of the scheduling conference, the presiding judge shall enter an order setting forth the time limits as established at the conference. A copy of the order shall be provided by the clerk of this court to each of the parties or their counsel.

(C) Scheduling by Telephone Conference.

The scheduling conference may be held by a telephone conference call or the court may require personal appearance. Lead counsel shall participate in the scheduling conference or shall inform the clerk of this court of substitute counsel before the time set for the conference. Whoever participates on behalf of a party is expected to be prepared to address the matters contemplated by the scheduling order and have full authority to bind the party as to such matters.

(D) Dates.

The parties and their counsel are bound by the dates specified in the scheduling order absent a finding of due diligence and good cause for changing said dates.

(E) Scheduling Order.

The scheduling order shall contain certain deadlines for the following:

(1) Amendment of pleadings;
(2) Joinder of additional parties;
(3) Disclosure of expert witnesses;
(4) Completion of discovery;
(5) Filing of dispositive motions.

RULE 16.3 PRETRIAL PROCEDURES IN PRISONER CASES

The following procedures apply to civil cases filed by or on behalf of incarcerated plaintiffs. These procedures do not apply to cases seeking habeas corpus relief.

(A) Complaint and Summons Forms

(1) Upon written request, the clerk of this court will provide each incarcerated pro se plaintiff with forms of complaint in a § 1983 action, a petition to proceed in forma pauperis under 28 U.S.C. § 1915, United States Marshal service forms and an instruction sheet. The Court strongly urges plaintiffs suing under 42 U.S.C. §1983 to use the Court's complaint form.

(2) The plaintiff must submit to the clerk of this court one original complaint plus one copy of the complaint for each defendant sued. If exhibits are attached to the original complaint, a complete set of exhibits must be attached to each copy of the complaint.

(3) All sections of the complaint must be completely filled out. If any section of the complaint does not apply to the plaintiff, the plaintiff must write "does not apply" in the space.

(4) The original complaint may be handwritten or typed. However, all copies must be carbon copies or photocopies (xerox). No other copies, such as handwritten copies, will be accepted.

(5) All pleadings must be legible and signed by the plaintiff. If there is more than one plaintiff, each must sign the complaint. A complaint need not be notarized. However, if the complaint contains false statements of material fact, the plaintiff may be subject to dismissal of the case or other sanctions.

(6) The facts of the complaint should be stated only in the space provided. Legal argument and case citations are not necessary and should not be stated in the complaint. A short statement of names, dates and facts concerning the claim will usually be enough. If the Court requires additional information about a claim, the plaintiff will be ordered to provide a more complete statement. A request for relief should be stated only in the space provided.

(7) The plaintiff must complete and return to the clerk of this court a separate service form for each named defendant. Each form must include the full first and last name of the defendant to be served, (if possible), and a full address where that defendant may be served, usually a work address.

(8) The plaintiff must mail the complaint, the copies, and the summons forms, along with the filing fee or the petition to proceed in forma pauperis, together in one package to: CLERK, U.S. DISTRICT COURT in the division in which the claim arose.

(B) Partial Payment of Filing Fees (See 28 U.S.C. §1915)

(1) If prepayment of the initial partial filing fee is made within forty-five (45) days from the date of the court's order on the petition, the inmate will be granted leave to proceed in forma pauperis, the complaint will be filed, and the clerk of this court shall issue summonses for service on the defendants. Thereafter, the agency having custody of the plaintiff must forward payments from the prisoner's account to the Clerk of Court each time the amount in the plaintiff's account exceeds $10, until the filing fee is paid.

(2) If partial prepayment of the filing fee is not made within forty-five (45) days from the date of the Court's prepayment order, or if in that time period the petitioner has not shown cause why the partial fee cannot be paid, the petition shall be denied and the case shall be dismissed. If the inmate shows good cause why the initial partial fee cannot be paid, the Court shall review the complaint for the existence of a colorable claim and rule on the petition. Regardless of whether the initial partial filing fee is waived, the plaintiff is responsible for paying the full filing fee in monthly installments.

(3) A plaintiff may request a waiver of any of the provisions of this rule by filing a motion with the clerk of this court stating in brief what requirements the plaintiff wants waived and why. The Court will consider each motion individually; however, motions to waive these requirements will not be routinely allowed.

(4) All requests for information or for file-stamped copies of documents must be accompanied by a stamped, self-addressed envelope and an extra copy to be file-stamped and returned; otherwise the request will not be honored.

(5) Every pro se plaintiff must notify the clerk of this court in writing of any change of address. Failure to notify the clerk of a change of address will result in the dismissal of all of the plaintiff's pending cases.

(C) Service of Process

After the complaint is filed, the clerk of this court shall issue summons for each defendant. Service must be made in accordance with Fed.R.Civ.P. 4. If the Court grants the plaintiff leave to proceed in forma pauperis, service will be attempted by the United States Marshal. If the full statutory filing fee is paid, the plaintiff is responsible for arranging for service of summons.

(D) Answer

When the State of Illinois, any of its officers, agents, departments or employees is a defendant, an answer shall be filed within 60 days of service. The answer should include all defenses appropriate under the Federal Rules. All other defendants, including officers and employees of counties and municipalities, shall answer or otherwise plead within 20 days. It is the responsibility of the individual named as a defendant to arrange for representation within that time limit. The Court will not extend the time for answer unless exceptional circumstances are shown. Default may be entered against defendants who do not answer within the time limits.

(E) Scheduling Conference

When the complaint is filed, the Court will enter a scheduling order regarding service and setting the case for a scheduling conference. At the scheduling conference, the parties shall be prepared to argue all pending motions; determine whether all parties have been correctly designated and properly served; discuss the course and progress of discovery and resolve any disputes; determine whether a jury demand has been timely filed; set firm dates for the completion of discovery and the filing of case-dispositive motions. At the conclusion of the scheduling conference, the Court will set the matter for further status conference or for final pre-trial conference. Scheduling conferences will be held by telephone unless otherwise ordered by the court.

(F) Status Conference

A status conference may be set at any time by the Court. At a status conference the parties shall be prepared to argue all pending motions; discuss the progress of discovery and resolve any disputes; review dates for the completion of discovery and the filing of case-dispositive motions. Status conferences will be held by telephone unless otherwise ordered by the court.

(G) Motions

The parties are responsible for filing motions within the deadlines set by the Court. Responses to motions must be filed within fourteen (14) days, or a party must file a timely motion for extension of time to respond, that is within the time set for response. Motions to file "instanter" are not viewed favorably by the Court and will not be allowed routinely. Motions will not be specially set or noticed for hearing. The court may rule on any motion after the time for response has passed, whether a response is on file or not.

At his or her discretion, the presiding judge may set any motion for hearing.

(H) Final Pretrial Conference

(1) As soon as practicable after the close of discovery and the resolution of dispositive motions, the presiding judge will set the case for final pretrial conference. All discovery MUST BE COMPLETED before the conference is held. Appropriate sanctions will be imposed upon any party failing to complete discovery as ordered. No case-dispositive motions will be accepted after the cut-off date for the filing of such motions, except by leave of court and a showing of extraordinary circumstances, e.g., a recently decided relevant court opinion or newly discovered evidence that with due diligence could not have been found during the time allotted for discovery. The conference shall be by personal appearance, by telephone, or by video conference as directed by the Court, with the plaintiff, if not represented, and with the attorneys who will try the case.

(2) The following documents are to be prepared and exchanged between the litigants, BUT NOT FILED WITH THE COURT, at least 30 days before the date set for the final pretrial conference:

(a) A statement of uncontested facts.

(b) A statement of contested issues of fact and law.

(c) An itemized statement of damages (plaintiff only).

(d) A list of names and addresses of witnesses that each party intends to call to testify at the trial, including the names of expert witnesses.

(e) A list of names and addresses of witnesses for whom subpoenas are requested, and a brief summary of the expected testimony of each such witness.

(f) A list of names, registration numbers, and addresses of inmate witnesses for whom writs of habeas corpus ad testificandum are requested, and a brief summary of the facts to which each such witness will testify.

(g) A list of exhibits, sequentially numbered, which each party intends to offer into evidence.

(h) A list of all demonstrative aids to be used at the trial.

(3) An attorney for the defendants shall prepare a final pre-trial order based on the documents described above, and bring the order to the conference. A copy of the order shall be served on a pro se plaintiff or plaintiff's counsel at least ten days prior to the date set for the conference. The original order shall be presented to the presiding judge at the conference. A suggested form of the order is included as Appendix 2 to these rules. As far as is practicable, the litigants are encouraged to resolve any disputes concerning the order prior to the conference. When the plaintiff is represented by counsel, a final, agreed-to order will be presented at the conference.

(4) At the final pretrial conference, the presiding judge and the litigants will consider the following:

(a) The prospects of settlement. Plaintiff shall make a definite demand for settlement and defendants shall have authority to make a definite offer of settlement.

(b) Simplification of the issues for trial;

(c) The final witness lists, including the issuance of subpoenas and writs for witnesses;

(d) Any problems of evidence;

(e) Limitation on the number of expert witnesses;

(f) The desirability and timing of trial briefs;

(g) Such other matters that may aid in the fair and expeditious trial and disposition of the action;

(h) The estimated length of trial.

(5) In cases to be tried to a jury, the parties shall submit an agreed set of jury instructions. Instructions upon which the parties are unable to agree shall be submitted separately by each party, unless excused by the presiding judge. Each instruction shall be appropriately numbered and on a separate sheet of 8 1/2" by 11" (letter size) paper; shall cover no more than one subject; shall identify the source and authority upon which it is based; and shall have the name of the party submitting it noted at the bottom of the page.

(6) At the close of the pretrial conference, the parties and the presiding judge shall sign the pretrial order. If changes or amendments to the order are required, the parties shall complete the changes before they leave the courthouse, or the conference may be recessed to be continued in person within 10 days. The signed pretrial order takes the place of all prior pleadings. Any issue not contained in the final pretrial order WILL NOT BE TRIED. The parties are cautioned to consider the contents of the order very carefully, especially as to jury demand, types of damages sought, claims and defenses.

(7) A sample form of pretrial order is contained in Local Rules Appendix 2. The parties are cautioned to conform their pretrial order to the sample format.

(I) Sanctions

Failure of counsel or parties, if not represented by counsel, to appear at any scheduled pretrial conference, including telephone conferences, or otherwise to comply with the provisions of this rule, may result in dismissal, default, awarding of attorney's fees and costs and such other sanctions as may be appropriate.

RULE 16.4 ALTERNATIVE DISPUTE RESOLUTION

(A) General.

The court adopts these rules pursuant to the Alternative Dispute Resolution Act of 1998 to make available to litigants a program of court-annexed dispute resolution processes designed to provide quick, inexpensive and satisfying alternatives to engaging in continuing litigation.

The court establishes mediation, summary jury trials and summary bench trials as the forms of alternative dispute resolution ("ADR") available to the litigants in this court. These are available in all civil actions, including adversary proceedings and contested matters in Bankruptcy being heard by the District Court, except those cases listed in CDIL- LR 16.2 (A).

(B) Definitions.

"Assigned judge" is the judge to whom the case is assigned for trial. The assigned judge shall not preside over any form of ADR.

"Mediation" is a non-binding settlement process involving a neutral mediator who assists the parties to overcome obstacles to effective negotiation. In cases assigned to a district judge, the neutral mediator will normally be the magistrate judge to whom the case is referred.

"Summary jury trial" is a non-binding pretrial procedure in which the parties try their cases by narration to a jury with a judge presiding. The verdict or verdicts will serve as an aid to the settlement process.

"Summary bench trial" is a non-binding pretrial procedure consisting of a summarized presentation of a case to a judge whose decision and analysis will serve as an aid to the settlement process.

(C) The ADR Administrator.

The "ADR Administrator" is a person appointed by the court with full authority and responsibility to direct the program created by these rules. The ADR Administrator shall:

(1) Oversee the operation of the ADR program in this court;

(2) Assign cases to various judges throughout the district for ADR processes;

(3) Prepare application for funding of the ADR program and administer any funds assigned; and

(4) Prepare such reports as may be required by the court or the Administrative Office of the U.S. courts concerning the operation of the program or the use of any funds allocated.

(D) Referral to ADR.

Parties are encouraged to use the ADR processes created by these rules. At the initial Rule 16 conference, the presiding judge shall inform the parties of the availability of ADR processes and shall encourage the parties to participate in ADR at an appropriate time. All litigants in civil cases, except those in cases listed in CDIL- LR 16.2 (A), are to consider the use of alternative dispute resolution processes at an appropriate stage of the litigation.

(E) Mediation.

(1) Eligible Cases. Any civil case, including adversary proceedings in bankruptcy, may be referred to mediation.

(2) Reference to Mediation. A case may be referred to mediation at any time but only on agreement of the parties.

(3) Private Mediation. Nothing in these rules shall prevent the parties from agreeing or contracting to utilize private mediation. The parties shall notify the ADR Administrator upon initiating private mediation and within ten days after conclusion of private mediation.

(4) Neutrality of Mediator. If at any time the court-assigned mediator becomes aware of or a party raises an issue with respect to the mediator's neutrality, the mediator shall either recuse himself or ask the ADR Administrator to determine the validity of the objection. In the event of recusal or well-founded objection, the ADR Administrator shall designate another judge to act as mediator.

(5) Written submissions to the mediator. Within five days prior to the first mediation meeting, parties shall submit to the mediator a memorandum setting forth their respective legal and factual positions. Such memoranda shall be confidential and shall not be disclosed to anyone.

(6) Attendance. The attorney who is primarily responsible for each party's case shall personally attend all mediation conferences and shall be prepared and authorized to discuss all relevant issues, including settlement. The parties shall also be present unless excused by the mediator. When a party's interest is represented by an insurance company, an authorized representative of the insurance company with full settlement authority shall attend. Willful failure of a party to attend the mediation conference shall be reported by the mediator to the ADR Administrator for transmittal to the assigned judge, who may impose appropriate sanctions.

(7) Confidentiality. The entire mediation process is confidential. Neither the parties nor the mediator may disclose information regarding the process, including terms of settlement, to the court or to third persons unless all parties otherwise agree. Parties, counsel and mediators may, however, respond to confidential inquiries or surveys by persons authorized by the court to evaluate the mediation program. Information provided in such inquiries shall remain confidential and shall not be identified with particular cases.

The mediation process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and corresponding state rules of evidence. The mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including action between persons not parties to the mediation process.

(F) Summary Jury Trial.

Any civil case triable by jury may be assigned for summary jury trial when all parties consent to such a proceeding. Such a proceeding shall be conducted by a judge other than the assigned judge.

Summary jury trial is a flexible ADR process. The procedures to be followed should be set in advance by the judge who is to preside in light of the circumstances in the case.

Ordinarily a case is set for summary jury trial after completion of discovery but circumstances may dictate a setting at some other time.

Each individual who is a party to the action shall attend the summary jury trial in person unless excused by the presiding judge. When a party is other than an individual or when a party's interests are being represented by an insurance company, an authorized representative of the party or insurance company, with full authority to settle, shall attend unless excused by the presiding judge.

The verdict or verdicts of the summary jury shall be confidential and shall not be published or made a part of the public record of the case. They shall not be disclosed to any person outside the proceeding except for purposes of effecting a settlement of the case.

Within a short time after the summary jury trial, the judge who presided over the summary jury trial and the parties should meet for further mediation. If the case does not settle, it should proceed to trial.

The assigned judge shall not admit at a subsequent trial any evidence that there has been a summary jury trial, the nature or amount of any verdict, or any other matter concerning the conduct of the summary jury trial or negotiations related to it, unless the evidence would otherwise be admissible under the Federal Rules of Evidence and applicable state rules of evidence or the parties have otherwise stipulated.

(D) Summary bench trial.

Any case not triable to a jury may be assigned for a summary bench trial when all parties consent to such a proceeding.

Summary bench trial is a flexible ADR process. The procedures to be followed should be set in advance by the judge who is to preside in light of the circumstances in the case.

The summary bench trial shall be conducted by a judge other than the assigned judge. Where appropriate the same procedural considerations applicable to summary jury trials may be adapted to summary bench trials to reflect the nature of the proceedings. Any decision or analysis made by a judge in a summary bench trial is confidential and will not be made part of the public file in the case.

RULE 26.2 IMPLEMENTATION OF F.R. CIV. P. 26.

(1) F.R. Civ. P. 26 shall control the initial stages of discovery/disclosure in this court in all cases filed on or after January 1, 1994 with the following exceptions:

(a) All types of cases exempt by Local Rule 16.2 from the requirements of a scheduling conference, and;

(b) All cases with a pro se party, and;

(c) Cases exempted by the presiding judge on a case by case basis.

(2) The parties may not agree to opt out of the provisions of F.R. Civ. P. 26.

(3) Attorneys in all cases not exempt from F.R. Civ. P. 26 shall comply with F.R. Civ. P. 26(f) before the date set by the court for the initial scheduling conference. The parties shall produce and file a proposed discovery plan which meets the requirements of F. R. Civ. P. 26(f). The attorney for the plaintiff shall be responsible for arranging the meeting and filing the proposed discovery plan.

RULE 26.3 FILING OF DISCOVERY OR DISCLOSURE MATERIALS

(A) Interrogatories under F.R.Civ.P. 33 and 26(b)(4), and the answers or objections thereto, requests for production or inspection under F.R.Civ.P. 34, and responses or objections thereto, requests for admissions under F.R.Civ.P. 36, and responses and objections thereto, and depositions under F.R.Civ.P. 30 and 31 and disclosures under Rule 26, shall not be filed with the clerk of this court except as hereinafter provided.

(B) The party responsible for the service of discovery materials shall retain the originals as custodian.

(C) Any motion filed under F.R.Civ.P. 26(c) or 37 shall be accompanied by the relevant portions of discovery material relied upon or in dispute.

(D) That portion of discovery material necessary to the consideration of a pretrial motion or for a final order on any issue shall be filed contemporaneously with the motion or response to the motion and attached to the pleading as an exhibit thereto.

RULE 30.1 SCHEDULING OF DEPOSITIONS

In scheduling any deposition, counsel must make a good faith effort to coordinate with all opposing counsel the scheduling of a time that is mutually convenient to all opposing counsel and parties. The signing and serving of a Notice of Deposition shall constitute a certification by the attorney signing and serving the Notice of Deposition that the attorney has complied with this rule.

RULE 33.1 INTERROGATORIES

Answers or objections to interrogatories under F.R.Civ.P. 33 and 26(b)(4) shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection. Objections to interrogatories shall not be filed with the clerk of this court except as exhibits to motions for protective order or motions to compel pursuant to F.R.Civ.P. 26(c) and 37.

RULE 37.3 DISCOVERY

(A) The requirement of Rule 37(a)(2)(B) that the parties confer and attempt to resolve discovery disputes and so certify as part of any motion to compel shall not apply to cases in which the plaintiff is incarcerated.

(B) The Court will entertain emergency oral motions involving discovery, at the discretion of the presiding judge. These motions will be heard by telephone conference.

RULE 38.1 EQUITABLE RELIEF OR JURY DEMAND.

The plaintiff, in every civil action in which the complaint prays for any equitable relief, shall mark upon the face of the complaint: "Equitable relief sought;" and if a demand for jury trial under F.R.Civ.P. 38 is endorsed upon a pleading, the title of the pleading shall include the words "and demand for jury trial."

RULE 40.1 ASSIGNMENT OF CASES

(A) PEORIA

All cases filed which arise from the following counties: Bureau, Fulton, Hancock, Knox, Livingston, Marshall, McDonough, McLean, Peoria, Putnam, Stark, Tazewell, and Woodford will be filed at PEORIA, ILLINOIS, and heard by the judges of this court regularly sitting at PEORIA, ILLINOIS.

(B) SPRINGFIELD

All cases filed which arise from the following counties: Adams, Brown, Cass, Christian, DeWitt, Greene, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, Scott, and Shelby will be filed at SPRINGFIELD, ILLINOIS, and heard by the judges of this court regularly sitting at SPRINGFIELD, ILLINOIS.

(C) ROCK ISLAND

All cases filed which arise from the following counties: Henderson, Henry, Mercer, Rock Island, and Warren will be filed at ROCK ISLAND, ILLINOIS, and heard by the judges of this court regularly sitting at ROCK ISLAND, ILLINOIS.

(D) DANVILLE/URBANA

All cases filed which arise from the following counties: Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Macon, Moultrie, Piatt, and Vermilion will be filed at DANVILLE or URBANA, ILLINOIS, and heard by the judges of this court regularly sitting at DANVILLE or URBANA, ILLINOIS.

RULE 47.2 COMMUNICATIONS WITH JURORS

(1) Before and during trial, no attorney, party or representative of either, shall contact, or converse or otherwise communicate with a juror or potential juror on any subject, whether pertaining to the case or not.

(2) No attorney, party, or representative of either may interrogate a juror after the verdict has been returned without prior approval of the presiding judge. Approval of the presiding judge shall be sought only by application made by counsel orally in open court or upon written motion which states the grounds and the purpose of the interrogation. If a post-verdict interrogation of one or more of the members of the jury should be approved, the scope of the interrogation and other appropriate limitations upon the interrogation will be determined by the presiding judge prior to the interrogation.

RULE 47.3 CONDUCT BEFORE THE JURY

All attempts to curry favor with jurors by fawning, flattery, or pretending solicitude for their personal comfort are unprofessional. Suggestions of counsel regarding the comfort or convenience of jurors and propositions to dispense with argument or peremptory challenges shall be made to the presiding judge out of the jury's hearing.

RULE 48.1 NUMBER OF JURORS

In all jury cases, except as may be otherwise expressly required by law or controlling rule, the jury shall consist of no less than six members.

RULE 51.1 PROPOSED INSTRUCTIONS TO JURY

(1) All requests for jury instructions not previously tendered shall be submitted to the presiding judge at the conclusion of all the evidence with copies submitted to all parties.

(2) The instructions read to the jury by the presiding judge shall accompany the jury to the jury room when the jury retires for deliberation unless otherwise determined by the presiding judge.

RULE 54.1 REQUESTS FOR ATTORNEYS FEES AND BILLS OF COSTS

(A) Time for Requests.

In all civil cases, requests for attorneys fees and bills of costs shall be filed within thirty (30) days of entry of final judgment or receipt of the mandate from a Court of Appeals, unless an extension of time for good cause shown is obtained.

(B) Form.

Bills of costs and supporting documentation may be filed in any format, but must include Form AO-133 as a summary.

RULE 67.2 ORDERS DIRECTING INVESTMENT OF FUNDS BY THE CLERK

(A) Any order obtained by a party that directs the clerk of this court to invest in an interest-bearing accounts or instrument, funds deposited with the Registry Account of the court pursuant to 28 U.S.C. § 2041 will include the following:

(1) the amount to be invested;

(2) the name of the bank or financial institution where the funds are to be invested;

(3) the type of account or instrument in which the funds are to be invested; and,

(4) the terms of the investment.

(B) Before an order is entered directing the Clerk of Court to invest Registry Funds in an interest-bearing account, counsel shall file a copy of such proposed order with the Financial Deputy of Financial Administrator in the division where the action is pending. Failure of the party to serve a copy of the order to invest funds at interest shall absolve the clerk and his or her deputies from any civil liability for the loss of any interest which might have been earned on the funds resulting from a late deposit due to failure to serve a copy of the order as required above.

(C) The clerk shall invest the funds within five (5) working days of the filing of the order. The five-day limit may be extended by order of the court should the funds to be invested surpass the $100,000 FDIC insurance level.

(D) Before an order is entered directing the Clerk to release funds deposited in the Registry Funds of the court or in an interest-bearing account, the party shall file a copy of such proposed order with the financial deputy or financial administrator in the division where the action is pending. The order shall specify the amount to be paid, the name of the person or persons to whom payment is to be made, and the name and address of the person or persons to whom the check is to be delivered.

(E) The Clerk of Court shall deduct from income earned on registry funds invested in interest-bearing account or instruments, a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office in accordance with the schedule which shall be published periodically by the Director in the Federal Register. The fee shall be withdrawn whenever income earned becomes available for deduction and shall be deposited in the United States Treasury, without further order of the court. This assessment shall apply to all registry fund investments.

RULE 72.1 UNITED STATES MAGISTRATE JUDGES

(A) Duties:

A magistrate judge in this district is authorized to perform all the duties in 28 U.S.C. § 636 and is designated to:

(1) upon the consent of the defendant, try either jury or non-jury cases of persons accused of misdemeanors and infractions committed within this district in accordance with 18 U.S.C. § 3401, and conduct all post-trial proceedings therein as may be warranted;

(2) conduct proceedings for commitment to another district and issue Commitments to Another District in accordance with F.R.Crim.P. 40;

(3) conduct extradition proceedings in accordance with 18 U.S.C. § 3184;

(4) order competency examinations of defendants pursuant to 18 U.S.C. § 4244;

(5) supervise proceedings conducted pursuant to letters of request, in accordance with 28 U.S.C.§ 1782;

(6) hear and determine any non-dispositive pretrial motion pursuant to 28 U.S.C. § 636(b)(1)(A);

(7) conduct hearings, including such evidentiary hearings as are necessary or appropriate, and submit to a district judge proposed findings of fact and recommendations for the disposition of dispositive motions that are excepted in 28 U.S.C. § 636(b)(1)(A) in accordance with 28 U.S.C. § 636(b)(1)(B) and (C);

(8) exercise the powers enumerated in Rules 5, 8, 9, and 10 of the Rules Governing Section 2254 and Section 2255 Proceedings;

(9) upon the consent of the parties pursuant to 28 U.S.C. § 636(c), conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case;

(10) exercise general supervision of the civil and criminal calendars of the court, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the district judges;

(11) conduct pretrial conferences, settlement conferences, summary jury trials, omnibus hearings, and related pretrial proceedings;

(12) conduct arraignments in cases not triable by the magistrate judge to the extent of taking a not guilty plea or noting a defendant's intention to plead guilty or nolo contendere and ordering a presentence report in appropriate cases;

(13) receive grand jury returns in accordance with F.R.Crim.P. 6(f);

(14) upon consent of the parties conduct voir dire and select petit juries for the court;

(15) accept petit jury verdicts in civil cases in the absence of a district judge;

(16) issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings;

(17) order the exoneration or forfeiture of bonds;

(18) conduct proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. § 1484(d);

(19) conduct examinations of judgment debtors, in accordance with F.R.Civ.P. 69;

(20) impose sanctions under F.R.Civ.P. 11, 16, and 37, except for dismissal or contempt;

(21) authorize the withdrawal of funds from the Court's Registry;

(22) perform any additional duty that is not inconsistent with the Constitution and laws of the United States.

(23) conduct scheduling conferences pursuant to Rule 16 and enter, vacate or modify scheduling orders.

(24) accept guilty pleas in felony cases with the consent of the defendant and the United States Attorney, order a presentence investigation report, and file a report and recommendation with the District Court.

RULE 72.2 REVIEW AND APPEAL FROM MAGISTRATE JUDGES

(A) Appeal of Non-Dispositive Matters.

Any party may appeal from any order of a magistrate judge within ten days after service of the order appealed from. Such an appeal shall specifically designate the order appealed from and the basis for any objection. The appeal shall be accompanied by a memorandum of law in support. Any party opposing the appeal shall, within ten days after service of the appeal, file a memorandum of law in opposition.

(B) Review of Dispositive Motions.

Any party may object to a magistrate judge's report and recommendation by filing an objection in accordance with Rule 72(b), Fed. R. Civ. P. within ten days after service thereof. Such objection shall specifically identify the portions of the report and recommendation to which objection is made and the basis for the objection and shall be accompanied by a memorandum of law in support of the objection. Any party who opposes the objection shall file a memorandum of law in opposition within ten days after service of the objection. Failure to file an objection to a report and recommendation shall constitute waiver of further review of the issue.

RULE 79.1 CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS

(A) Custody.

After being received into evidence, or offered and refused admission, all models, diagrams, exhibits and material forming part of the evidence in any cause pending or tried in this court, shall be placed in the custody of the clerk of this court, unless otherwise ordered by the presiding judge.

(B) Removal.

All models, diagrams, exhibits or material placed in the custody of the clerk of this court shall be taken away by the attorney or party if not represented by an attorney, who offered them within sixty (60) days after the case is decided unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within thirty (30) days after the filing of the mandate of the reviewing court which disposes of the case. At the time of removal, a detailed receipt shall be given to the clerk of this court and filed in the cause. If bulky exhibits are included in the evidence received or offered, the presiding judge may order that a photograph be taken of the bulky exhibit and the photograph be placed in the record in place of the bulky item.

(C) Neglect to Remove.

If an attorney or a party, if not represented by an attorney, shall neglect to remove any models, diagrams, exhibits or materials within thirty (30) days after notice from the clerk of this court, they may be sold by the clerk of this court at public or private sale or otherwise disposed of as the presiding judge may direct. If they are sold, the proceeds, less the expense of the sale, shall be paid into the Registry of the Court pending further order of the presiding judge.

RULE 79.2 WITHDRAWAL OF RECORDS AND PAPERS

No person, other than an employee of this court in the exercise of official duty, shall withdraw any original pleading, paper, record, model or exhibit from the custody of the clerk of this court or other employee of this court having custody thereof, except upon written order of a judge of this court, and upon leaving a proper receipt with the clerk of this court or employee.

RULE 83.1 RULE MAKING

This court shall from time to time adopt local rules of practice. When new rules or amendments are proposed by the court, they shall be offered for comment to the Local Rules Committee of the court. Local Rules shall be adopted only after giving appropriate public notice and opportunity for comment. If emergency rules are promulgated, they shall be immediately sent to the Rules Committee for comment.

RULE 83.3 COURTROOM DECORUM

(1) During court proceedings, all attorneys shall stand when speaking, unless otherwise directed by the presiding judge. All objections and comments thereon shall be addressed to the presiding judge. There shall be no oral confrontation between opposing counsel.

(2) During court proceedings, neither counsel nor parties may leave the courtroom without prior approval of the presiding judge.

RULE 83.5 ADMISSION TO PRACTICE

(A) Qualifications for Admission to Practice.

Any attorney licensed to practice law in any state or the District of Columbia shall be admitted to practice generally in this court on written motion of a member in good standing of the bar of this court, or upon the attorney's own motion accompanied by certification of good standing from the state in which the attorney is licensed, and upon payment of the fee required by law. On motion made at the time of the written motion for admission to practice, the presiding judge may waive the statutory admission fee for any attorney employed full time by the United States, any state or county.

Students of accredited law schools may, upon written motion of a member in good standing of the bar of this court, be provisionally admitted to practice and may appear in this court under the supervision and direction of the sponsoring attorney. There shall be no fee for provisional admission.

(B) Oath.

All attorneys shall at the time of their admission to practice before this court take an oath or affirmation to support the Constitution of the United States, faithfully to discharge their duties as attorneys and counselors, and to demean themselves uprightly and according to law and the recognized standards of ethics of the profession, and they shall, under the direction of the clerk of this court, sign the roll of attorneys and pay the fees required by law.

(C) Admission to Practice in All Divisions.

Admission to practice generally in this court includes all divisions.

(D) Additional Fees Assessed Upon Admission.

This court assesses a special $50.00 fee to be paid by each attorney at the time of admission to practice in this court.

The special $50.00 fee will be deposited in the District Court Fund and administered in accordance with the provisions of the Plan for the Administration of the District Court Fund adopted by this Court on June 1, 2000 , primarily for the reimbursement of expenses incurred by pro bono counsel.

(E) Admission Pro Hac Vice.

At the discretion of the presiding judge, an attorney duly licensed to practice in any state or the District of Columbia may, upon motion, be permitted to appear of record and participate in a case on one occasion; thereafter, the attorney must secure regular admission or the attorney will not be permitted to participate in the case, and may be subject to sanctions.

(F) Unauthorized Practice.

All attorneys who appear in person or by filing pleadings in this court must be admitted to practice in this court in accordance with this rule. Only attorneys so admitted shall practice or file pleadings in this court. Except as provided in Local Rule 83.5 (E), upon entry of appearance as an attorney of record, the entry of appearance must include a certification that the attorney is a member in good standing of the bar of this court.

Any person who, before his or her admission to the bar of this court, or during his or her suspension or disbarment, exercises in this district any of the privileges of a member of the bar in any action or proceeding pending in this court, or who pretends to be entitled to do so, may be adjudged guilty of contempt of court and appropriately sanctioned.

(G) Changes Reported to the Clerk of this Court.

If at any time after admission any relevant circumstances change for an attorney (e.g. name, address, phone number, disciplinary status), he or she shall notify the clerk of this court in writing of such change.

(H) Admission.

Admission may be in person or by mail. Procedures for admission by mail shall be prescribed by the clerk of this court. Admission shall be as of the date the oath card is received by the Clerk.

(I) Pro Bono Panel.

The Pro Bono Panel of this court shall consist of all attorneys admitted to practice in this court whose place of business is in the Central District of Illinois. Attorneys employed full time by the United States, the State of Illinois or a county are exempt from service on the panel. Attorneys appointed pro bono to represent litigants shall not enter into any contingent fee arrangement with their clients concerning the subject case. Statutory fees and expenses may be awarded to a pro bono attorney as provided by law.

Any attorney appointed to represent an indigent party in a civil proceeding before this Court, may petition the Court for reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the procedures and regulations contained in the plan of this Court adopted June 1, 2000, governing reimbursement of expenses from the District Court Fund.

RULE 83.6 ATTORNEY DISCIPLINE

This court, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, promulgates the following rule superseding all of its other rules pertaining to disciplinary enforcement heretofore promulgated.

(A) Discipline.

When it is shown to a judge of this court that any member of the bar of this court has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct unbecoming a member of the bar of this court, the member will be subject to suspension, disbarment, or other appropriate disciplinary action by the court. The member shall be afforded an opportunity to show good cause, within such time as the court shall prescribe, why the member should not be suspended, disbarred or otherwise disciplined. Upon the member's response to the rule to show cause, and after hearing, if requested, or upon expiration of the time prescribed for a response if no response is made, the court shall enter an appropriate order.

(B) Appointment of Counsel.

The court shall appoint an attorney from its pro bono panel to prosecute its interests under this rule.

(C) Other Sanctions.

Notwithstanding this rule, but in supplement to it, the judges of this court may impose sanctions against a member of the bar of this court pursuant to F.R.Civ.P. 37 and 16 and initiate civil or criminal contempt proceedings when appropriate.

(D) Rules of Professional Conduct.

The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct adopted by the Supreme Court of Illinois, as amended from time to time by that court, except as otherwise provided by specific rule of this court after consideration of comments by representatives of bar associations within the state.

RULE 83.7 TAKING OF PHOTOGRAPHS, RECORDINGS, USE OF CELLULAR PHONES, ETC., IN CONNECTION WITH JUDICIAL PROCEEDINGS

(A) Prohibition

Taking photographs or making sound or video recordings or broadcasting by radio, television or other means on the same floor of a building on which a courtroom is located is prohibited.

(B) Cellular Telephones and Pagers

Upon entry into a courthouse in this district, cellular or portable telephones and pagers will be turned off and are not to be used to send or receive messages in a courtroom, the area adjacent to a courtroom, judges' chambers, or hallways. They may be used inside other offices or rooms. The court may designate a particular area within hallways where such equipment may be used.

(C) Exceptions

(1) The presiding judge may suspend this rule for naturalization or other ceremonial proceedings.

(2) The presiding judge may, as a matter of discretion, permit members of the bar to carry and use personal dictating equipment and personal computers. Such equipment shall not be used to record court proceedings.

(3) This rule shall not apply to official court reporters in the performance of their official duties. Any use of recording or transcription services or equipment other than the official court reporters must be approved by the presiding judge.

RULE 83.8 PROHIBITION OF FIREARMS IN COURTROOMS

(A) No one, except a Deputy United States Marshal acting in the scope of employment, shall possess any firearm or other weapon in any courtroom of this court.

(B) Deputy United States Marshals are directed to take and secure any firearm or other weapon from anyone, including law enforcement officers, before admittance to any courtroom.

(C) Law enforcement officers, other than employees of the United States Marshal Service, may possess firearms or other weapons in a courtroom in this district only with the express authorization of the United States Marshal or his or her designee.

RULE 83.9 COURT REPORTING FEES

A current schedule of transcript fees, as established by the Judicial Conference of the United States, is posted in each office of the clerk of this court and is available from the official court reporters.

RULE 83.10 STANDING COMMITTEES

(A) Committee on Local Rules

The court shall appoint a committee from the bar of the district to review and give comment on local rules. The committee shall meet at least once a year to review the existing rules, propose any changes, and to give comment on changes proposed by the court.

(B) Advisory Committee Under the Civil Justice Reform Act

The court shall appoint a committee from the district to carry out the duties required by the Civil Justice Reform Act of 1990, 28 U.S.C. § 471 et seq. The United States Attorney, or his or her designee, shall be a permanent member, other members shall serve not more than four years. Members shall be representative geographically and of major litigation groups within the district. At least one member shall be a non-attorney.

RULE 83.11 TRANSMISSION OF PLEADINGS BY FACSIMILE NOT ALLOWED

No pleading, motion, or other document shall be transmitted to the court or the office of the clerk of the court by means of electronic facsimile.

RULE 83.12 ADVANCE PAYMENT OF FEES

Except as may now or hereafter be required or permitted by law, by direction of the Judicial Conference of the United States, or by special order of the court in exceptional circumstances, the fees required by Section 1914 of Title 28 of the United States Code shall be paid to the clerk of this court in advance of filing the document or documents involved.

RULE 83.13 PAYMENT OF COSTS IN ACTIONS BY POOR PERSONS

At the time application is made under 28 U.S.C. § 1915 for leave to commence any civil action without being required to prepay fees and costs or give security for the same, the applicant and his or her attorney shall enter into an agreement to be filed with the court that any recovery secured in the action shall be paid into the hands of the clerk of this court, who shall pay therefrom all unpaid costs taxed against the plaintiff and remit the balance to the attorney of record for the plaintiff, or to the plaintiff if unrepresented. If the attorney has filed notice with the clerk that a contingent fee contract has been entered into by the plaintiff, the balance shall be paid to the plaintiff and the attorney in accordance with the order of the presiding judge.

RULE 83.14 ASSESSMENT OF JURY COSTS

If for any reason attributable to counsel or parties, including settlement, the court is unable to commence a jury trial as scheduled where a panel of prospective jurors has reported for the voir dire, or a selected jury reports to try the case, all or part of the costs of the panel, including, but not limited to, mileage, attendance fees, and per diem for each juror reporting for service, may be assessed against the parties and attorneys responsible for the court's inability to proceed. Any monies collected as a result of assessment shall be paid to the clerk of this court for transmittal to the Treasury of the United States.

RULE 83.15 DISTRICT COURT FUND

The District Court assesses attorneys a special $50 fee at the time of admission to practice in this Court. This fee is established in Local Rule 83.5(D) and is in addition to the admission fee set by the Judicial Conference of the United States. These additional fees are deposited in the District Court Fund, which is used primarily for the reimbursement of expenses incurred by pro bono counsel. The District Court Fund is administered in accordance with the Plan for Establishment and Administration of the District Court Fund and the Regulations Governing Reimbursement of Expenses of Court Appointed Counsel in Pro Bono Cases. The Clerk of this Court is the custodian of the District Court Fund.

CRIMINAL RULES

RULE 12.1 PLEADINGS AND MOTIONS

(A) In the event a defendant desires to file any pretrial motion, the motion supported by a brief shall be filed within twenty (20) days of the arraignment, or such later time as may be set by the presiding judge.

(B) All written pleadings, motions, and other papers in a criminal case filed in this district shall be signed by the attorney of record, in the attorney's individual name, whose address, telephone number, and typed name shall also be stated. A defendant who is not represented by counsel shall sign pleadings in the same manner.

(C) The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

RULE 16.1 RULE FOR PRETRIAL DISCOVERY AND INSPECTION

(A) Within five (5) working days after the arraignment in any criminal case, the United States Attorney and the attorney(s) for the defendant(s) shall confer, and, shall comply with Federal Rule of Criminal Procedure 16.

(B) If, in the judgment of the United States Attorney, it would not be in the interests of justice to make any one or more disclosures as set forth in Section (A) as requested by counsel for the defendant(s), disclosure may be declined. A declination of any requested disclosure shall be in writing directed to counsel for defendant(s), and signed by the Assistant United States Attorney in charge of the prosecution, and shall specify the disclosure that is declined. A defendant seeking to challenge the declination shall proceed pursuant to Section (D) below.

(C) If additional discovery or inspection is sought, attorney(s) for the defendant(s) shall confer with the appropriate Assistant United States Attorney within ten (10) working days of the arraignment (or such later time as may be set by the presiding judge for the filing of pretrial motions) with a view to satisfying those requests in a cooperative atmosphere without recourse to the court. The request shall be in writing, and the United States Attorney shall respond in like manner.

(D) In the event a defendant thereafter moves for additional discovery or inspection, a motion to compel discovery supported by a brief shall be filed within fifteen (15) days of the arraignment (or such later time as may be set by the presiding judge for the filing of pretrial motions). It shall contain:

(1) the statement that the prescribed conference was held;

(2) the date of the conference;

(3) the name of the Assistant United States Attorney with whom the conference was held; and

(4) the statement that agreement could not be reached concerning the discovery or inspection sought.

RULE 32.1 IMPLEMENTATION OF SENTENCING GUIDELINES

The following procedures are established to govern sentencing proceedings under the Sentencing Reform Act of 1984, 18 U.S.C. §3551, et seq.

(A) The sentencing hearing in each criminal case shall be scheduled by the presiding judge no earlier than seventy (70) days following the entry of a guilty plea or a verdict of guilty.

(B) It is the obligation of a complaining party to seek resolution of disputed factors or facts through opposing counsel and the assigned probation officer prior to the sentencing hearing.

(C) All pleadings related to sentencing shall be sealed unless otherwise directed by the presiding judge.

(D) Unless otherwise ordered by the presiding judge, the probation officer's recommendation on the sentence shall not be disclosed.

RULE 57.2 CONFIDENTIAL PROBATION RECORDS

(A) Any person seeking release of any confidential records maintained by the U.S. Probation Office, including presentence and supervision records, must file a written request with the court for such records, which establishes with particularity the need for specific information in the records.

(B) Whenever a probation officer is subpoenaed to provide confidential information, he or she shall apply to the presiding judge in writing for authority to release such information or provide testimony with regard to any confidential information. No disclosure shall be made except upon an order issued by the presiding judge.

(1) In all criminal cases in which sentence in not imposed under the Sentencing Reform Act of 1984, 18 U.S.C.§ 3551, et seq., when the presentence report has been requested by a reviewing court in connection with the appeal of a criminal conviction or sentence, the report shall be sent to the reviewing court by the United States Probation Office by registered mail. The presentence report shall be accompanied by a written request that the report be returned to the submitting office when it has served the court's purpose; that it be opened and examined in camera only, and that it not be made a part of the public record.

(2) In all criminal cases in which sentence is imposed under the provisions of the Sentencing Reform Act of 1984, 18 U.S.C. § 3551, et seq., the presentence report shall be made a part of the official court record. The original report, including the recommendation to the court, shall be placed under seal in the record. In the event of an appeal, the report and the recommendation shall be sent to the reviewing court under separate seal.

(3) A copy of the presentence report shall be made available to appellate counsel on request, under the same terms and conditions as apply to use of the report by counsel in the trial court.

RULE 57.3 APPEARANCES IN CRIMINAL CASES

No attorney may appear on behalf of a criminal defendant unless the attorney is admitted to practice in this court and has filed a written entry of appearance in the case.

RULE 58.2 FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE

Except as hereinafter provided, a person who is charged with an infraction as defined in 18 U.S.C. §19, and which is specifically listed in a schedule published by order of this court pursuant to this rule, may, in lieu of appearance, post collateral in the amount specified in such schedule for the offense, waive appearance before a United States magistrate judge, and consent to forfeiture of the collateral as the fixed sum payment referred to in Rule 58(d) of the Federal Rules of Criminal Procedure.

If in the discretion of the law enforcement officer the offense is of an aggravated nature, the law enforcement officer, notwithstanding any other provision of this rule, may, in the violation notice, require appearance, and any punishment established by law, including fine, imprisonment or probation, may be imposed upon conviction. Nothing contained in this rule shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and taking that person immediately before a United States magistrate judge or requiring the person charged to appear before a United States magistrate judge, as provided in the Federal Rules of Criminal Procedure.

BANKRUPTCY RULES

4.1 Order of Reference

4.2 Jury Trial Procedures

4.3 Bankruptcy Court Rules

RULE 4.1 REFERENCE IN TITLE 11 CASES

All cases under Title 11, United States Code, and any or all proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the bankruptcy judges for the district.

RULE 4.2 JURY TRIAL PROCEDURES IN BANKRUPTCY COURT

The following procedures shall apply to jury trials conducted by the bankruptcy court in this district.

(A) Designation of Bankruptcy Judges to Conduct Jury Trials.

In bankruptcy cases filed on or after October 22, 1994, if the right to a jury trial applies in a proceeding that may be heard by a bankruptcy judge, the bankruptcy judges of this district are specially designated to exercise such jurisdiction, upon the express consent of all the parties, and upon compliance with all of the terms and conditions set forth in this rule.

(B) Trial by Jury.

Issues triable of right by jury shall, if timely demanded, be by jury, unless the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury.

(C) Demand.

(1) Time; Forum.

Any party may demand a trial by jury of any issue triable by a jury by serving on the other parties a demand therefor in writing not later than ten (10) days after service of the last pleading directed to such issue. The demand may be endorsed on a pleading of the party. When a jury trial is demanded, it shall be designated by the clerk in the docket as a jury matter.

(2) Specification of Issues.

In the demand, a party may specify the issues to be so tried; otherwise, the demand shall be deemed a demand for trial by jury of all the issues so triable. If the demand for trial by jury is directed to some of the issues, any other party, within 10 days after the service of the demand, or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues.

(3) Determination by Court.

On motion, or on its own initiative, the presiding judge may determine whether there is a right to trial by jury of the issues for which a jury trial is demanded or whether a demand for trial by jury shall be granted.

(D) Waiver and Withdrawal.

The failure of a party to serve a demand as required by this rule and to file it as required by Federal Rule of Bankruptcy Procedure 5005, constitutes a waiver of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of all parties and the approval of the court.

(E) Trial by the Court.

Issues not demanded for trial by jury shall be tried by the court.

(F) Applicability of Certain of the Federal Rules of Civil Procedure.

Federal Rules of Civil Procedure 47 through 51 shall apply when a jury trial is conducted pursuant to this rule.

RULE 4.3 BANKRUPTCY RULES

RESERVED FOR BANKRUPTCY RULES

APPENDIX TO RULES

1*	Form of Pretrial Order - Civil	
2*	Form of Pretrial Order - Prisoner	
3	Schedule of Collateral	CDIL 1 - 1/92
4	Court Reporter Plan	CDIL 2 - 2/92
5	Speedy Trial Plan	CDIL 3 - 2/92
6	Jury Selection Plan	CDIL 4 - 1/99
7	Equal Employment Opportunity Plan and Employment Dispute Resolution Plan	CDIL 5 - 1/99
8	Criminal Justice Act Plan	CDIL 6 - 6/94
9	Disposition of Habeas Corpus Petitions in Capital Cases	CDIL 7 - 3/92
10	Accountability for Bankruptcy Court Fees	CDIL 8 - 2/92
11	Local Forms	

*These Appendix items are included in the printing of the Local Rules. All other Appendix items are available for inspection and copying at the offices of the District Court Clerk.

NOTE TO LITIGANTS: DO NOT FILL IN BLANKS ON THESE SHEETS. USE AS A GUIDE IN DRAFTING, AS YOU WOULD A FORM BOOK.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

	)	
Plaintiff	)	
	)	
vs.	)	CASE NO.
	)	
Defendant	)	

PRE-TRIAL ORDER

This matter having come before the Court at a pre-trial conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.1; and

_____ having appeared as counsel for the plaintiff(s), or

the plaintiff having appeared pro se, and

_____ having appeared as counsel for the defendant(s),

(The listing of parties must be complete and appearances must show the individuals who were actually present.)

the following action was taken:

I. NATURE OF ACTION AND JURISDICTION

This is an action for _____ and the jurisdiction of the Court is invoked under _____. The jurisdiction of the Court is not disputed.

II. JOINT STATEMENT

A. JURISDICTION

B. UNCONTESTED ISSUES OF FACT

C. CONTESTED ISSUES OF FACT

D. CONTESTED ISSUES OF LAW

E. JURY DEMAND

III. PLAINTIFF'S STATEMENT

A. ITEMIZED STATEMENT OF DAMAGES

IV. WAIVER OF CLAIMS OR DEFENSES
(OR JURY DEMAND)

(If nothing is waived, leave this section out.)

V. EXHIBITS ATTACHED

The following are attached as exhibits to this order and are made a part hereof:

A. Stipulation of Uncontested facts and issues of law (signed by all parties).

B. Plaintiff's Witness List (for each plaintiff).

C. Defendant's Witness List (for each defendant).

D. Plaintiff's Exhibit List (for each plaintiff).

E. Defendant's Exhibit List (for each defendant).

F. Joint Exhibit List.

G. Proposed Jury Instructions (Joint) (or Findings and Conclusions).

H. Plaintiff's Proposed Instructions (only if objections by defendant).

I. Defendant's Proposed Instructions (only if objections by plaintiff).

VI. GENERAL ADDITIONAL

The following additional action was taken:

[Recite amendments to pleadings, additional agreements of the parties on the qualifications of expert witnesses or any other subject, disposition of motions at the conference, etc., if necessary. If no such action was taken, leave this paragraph out of the Order.]

IT IS UNDERSTOOD BY THE PARTIES THAT:

The plaintiff(s) is (are) limited to _____ expert witnesses whose names and qualifications have been disclosed to the defendant(s). The defendant(s) is (are) limited to _____ expert witnesses whose names and qualifications have been disclosed to the plaintiff(s).

[This paragraph does not refer to treating or examining physicians or other highly trained witnesses who have actual knowledge of the case. It should be left out if no expert witnesses have been listed.]

Any Trial Briefs or Motions in limine shall be submitted no later than fourteen (14) days prior to the commencement of the trial. [Leave out if no trial briefs will be used.]

A party may supplement a list of witnesses or exhibits only upon good cause shown in a motion filed and served upon the other parties prior to trial; except that, upon the development of testimony fairly shown to be unexpected, any party may, with leave of court, call such contrary witnesses or use such exhibits as may be necessary to counter the unexpected evidence, although not previously listed, and without prior notice of any other party.

It is mutually estimated that the length of trial will not exceed ____ full days. The case will be listed on the trial calendar to be tried when reached.

This pre-trial order may be modified at the trial of the action, or prior thereto, to prevent manifest injustice. Such modification may be made either on motion of counsel for any party or on the Court's own motion.

[The foregoing three paragraphs must be contained in every order.]

Any additional proposed jury instructions shall be submitted to the Court within five days before the commencement of the trial, but there is reserved to counsel for the respective parties the right to submit supplemental proposals for instructions during the course of the trial or at the conclusion of the evidence on matters that could not reasonably have been anticipated.

[This paragraph should be left out in a non-jury case.]

IT IS SO ORDERED.

_____
JUDGE

ENTERED: _____

APPROVED AS TO FORM AND SUBSTANCE:

_____
Attorney for the Plaintiff(s)

_____
Attorney for the Defendant(s)

EXHIBIT LIST FOR PLAINTIFF/DEFENDANT/JOINT

(One for Each)

Case Name:	Case No:	Page ____ of ____

No:	Description	Admit Without Objection	Authentication Waived	Objection

6/97

WITNESS LIST FOR PLAINTIFF/DEFENDANT

(One for Each)

Case Name:	**Case No:**	**Page ____ of ____**

Witness Name	**Address**	**Expert**	**Adverse**

6/97

FORM OF PRE-TRIAL ORDER: PRISONER

NOTE TO LITIGANTS: DO NOT FILL IN BLANKS ON THESE SHEETS. USE AS A GUIDE IN DRAFTING, AS YOU WOULD A FORM BOOK.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

Plaintiff	)	
vs.	)	CASE NO.
Defendant	)	

PRE-TRIAL ORDER

This matter having come before the Court at a pre-trial conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.3; and

_____ having appeared as counsel for the plaintiff(s), or

the plaintiff having appeared pro se, and

_____ having appeared as counsel for the defendant(s),

(The listing of parties must be complete and appearances must show the individuals who were actually present.)

the following action was taken:

I. NATURE OF ACTION AND JURISDICTION

This is an action for _____ and the jurisdiction of the Court is invoked under Section 28 U.S.C. § 1331 and 28 U.S.C. §1343. The jurisdiction of the Court is not disputed.

II. JOINT STATEMENT

A. JURISDICTION

B. UNCONTESTED ISSUES OF FACT

C. CONTESTED ISSUES OF FACT

D. CONTESTED ISSUES OF LAW

E. JURY DEMAND

III. PLAINTIFF'S STATEMENT

A. ITEMIZED STATEMENT OF DAMAGES

IV. WAIVER OF CLAIMS OR DEFENSES
(OR JURY DEMAND)

(If nothing is waived, leave this section out.)

V. EXHIBITS ATTACHED

The following are attached as exhibits to this order and are made a part hereof:

A. Stipulation of Uncontested facts and issues of law (signed by all parties).

B. Plaintiff's Witness List (for each plaintiff).

C. Defendant's Witness List (for each defendant).

D. Plaintiff's Exhibit List (for each plaintiff).

E. Defendant's Exhibit List (for each defendant).

F. Joint Exhibit List.

G. Proposed Jury Instructions (Joint) (or Findings and Conclusions).

H. Plaintiff's Proposed Instructions (only if objections by defendant).

I. Defendant's Proposed Instructions (only if objections by plaintiff).

VI. GENERAL ADDITIONAL

The following additional action was taken:

1. The testimony of the following inmate witnesses is necessary for trial. The Clerk is directed to issue Writs of Habeas Corpus ad Testificandum for:

[John Johnson 414411 Correctional Center]

2. The testimony of the following DOC employees is necessary for trial. The defendants are ordered to produce the following witnesses without subpoena:

[Jerry Jones Corrections Officer at _____]

3. The testimony of the following witnesses who are neither inmate nor employees is necessary for trial. The Clerk is directed to issue trial subpoenas for the following. The plaintiff must provide the witness fee ($40) and mileage ($.30 per mile) to the witness, and is responsible for service of the subpoena under Fed. R. Civ. P. 45.

[Jennifer Smith Address, Etc.]

[Recite amendments to pleadings, additional agreements of the parties on the qualifications of expert witnesses or any other subject, disposition of motions at the conference, etc., if necessary. If no such action was taken, leave this paragraph out of the Order.]

IT IS UNDERSTOOD BY THE PARTIES THAT:

The plaintiff(s) is (are) limited to _____ expert witnesses whose names and qualifications have been disclosed to the defendant(s). The defendant(s) is (are) limited to _____ expert witnesses whose names and qualifications have been disclosed to the plaintiff(s).

[This paragraph does not refer to treating or examining physicians or other highly trained witnesses who have actual knowledge of the case. It should be left out if no expert witnesses have been listed.]

Any Trial Briefs or Motions in limine shall be submitted no later than fourteen (14) days prior to the commencement of the trial. [Leave out if no trial briefs will be used.]

A party may supplement a list of witnesses or exhibits only upon good cause shown in a motion filed and served upon the other parties prior to trial; except that, upon the development of testimony fairly shown to be unexpected, any party may, with leave of court, call such contrary witnesses or use such exhibits as may be necessary to counter the unexpected evidence, although not previously listed, and without prior notice of any other party.

It is mutually estimated that the length of trial will not exceed _____ full days. The case will be listed on the trial calendar to be tried when reached.

This pre-trial order may be modified at the trial of the action, or prior thereto, to prevent manifest injustice. [Such modification may be made either on motion of counsel for any party or on the Court's own motion.]

[The foregoing three paragraphs must be contained in every order.]

Any additional proposed jury instructions shall be submitted to the Court within five days before the commencement of the trial, but there is reserved to counsel for the respective parties the right to submit supplemental proposals for instructions during the course of the trial or at the conclusion of the evidence on matters that could not reasonably have been anticipated.

[This paragraph should be left out in a non-jury case.]

IT IS SO ORDERED.

_____
JUDGE

ENTERED: _____

APPROVED AS TO FORM AND SUBSTANCE:

_____
Attorney for the Plaintiff(s)

_____
Attorney for the Defendant(s)

EXHIBIT LIST FOR PLAINTIFF/DEFENDANT/JOINT

(One for Each)

Case Name:	Case No:	Page ____ of ____

No:	Description	Admit Without Objection	Authentication Waived	Objection

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WITNESS LIST FOR PLAINTIFF/DEFENDANT

(One for Each)

Case Name:	Case No:	Page ____ of ____

Witness Name	Address	Expert	Adverse

6/97

WITNESS LIST FOR PLAINTIFF/DEFENDANT

(One for Each)

Case Name:	Case No:	Page ____ of ____

Name	Address/Inmate No.	Inmate	D.O.C. Employee	Subpoena Sought	Expert	Adverse